

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 04-10291-RGS
)	
MAURICE DUBOSE)	

MOTION FOR CLARIFICATION OF RULING

On January 19, 2005 the government filed an ex-parte motion concerning "sensitive information relating to police officer witnesses." See Docket Entry No. 15. The court, Saris J., allowed the Motion to Seal but endorsed the motion with the following notation:

However[,] this motion shall not be sealed. My rulings shall not be sealed.

Id. The Motion to Seal was then unsealed by the clerk, revealing only the broadest nature of the subject of the motion. There is no indication on the docket or any public motion indicating what the court's "rulings," referred to in the notation, were.

Defendant notes that the government's case at trial in this matter will feature predominantly (if not exclusively) testimony by members of the Brockton Police Department. Credibility will be hotly contested. In such circumstances, defendant is entitled to disclosure of all requested exculpatory material contained in the law enforcement officer's personnel file. United States v. Cadet, 727 F.2d 1453, 1467 (9th Cir. 1984); United States v.

Garrett, 542 F.2d 23, 27 (6th Cir. 1976); United States v. Deutch, 475 F.2d 55 (5th Cir. 1973). See also United States v. Henthorn, 931 F.2d 29, 32 (9th Cir. 1991) (approving of in camera inspection and evaluation of questions of materiality of information in police personnel files).

Defendant therefore respectfully requests that the Court clarify its ruling as to how much should be revealed to defendant concerning the disposition of the government's motion.

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